

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2002-211-T - ORDER NO. 2003-212

APRIL 3, 2002

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|---|---|------------------|
| IN RE: Application of TT&B Relocations, LLC, 30 |) | ORDER WAIVING |
| Bufflehead Drive, Kiawah Island, SC 29455 |) | REGULATIONS AND |
| (District 6), for a Class E Certificate of Public |) | APPROVING |
| Convenience and Necessity. |) | ALTERNATE SAFETY |
| |) | PROCEDURE |

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of TT&B Relocations, LLC (TT&B) for a waiver of 26 S.C. Code Ann. Regs. 103-133(1)(a); (4)(a);(5) and 103-150(1)(4); (2)(a);(3)(a) (Supp. 2002) regarding the safety rating required by those regulations. TT&B was granted a Class E Certificate of Public Convenience and Necessity to transport household goods pursuant to our Order No. 2002-748, dated October 23, 2002. The difficulty that now comes before this Commission is an inability to comply with the above-stated regulations as required by that Order. TT&B has been unable to obtain a satisfactory or an acceptable safety rating as described in those regulations, due to the fact that it has not performed household goods moves in compliance with Order No. 2002-748. Since it has not performed household goods moves, it may not obtain a satisfactory or acceptable safety rating. Further, since it has not obtained the proper safety rating, it may not perform household goods moves under the Commission's Order.


This is the bind that we described in our Order No. 2003-209. In that Order, we approved a new safety procedure for applicants. In part, this procedure consisted of the applicant submitting a signed and notarized safety certification form, which ensures that the applicant is familiar with the safety regulations enforced by the State Transport Police (STP), and that it has taken steps to put those regulations into effect for its business. 26 S.C. Code Ann. Regs. 103-101(2)(Supp. 2002) states that the Commission's Regulations are subject to such exceptions as may be considered just and reasonable as ordered by the Commission in individual cases when strict compliance with any rule or rules produces unusual difficulty and is not in the public interest. The unusual difficulty with compliance with the Regulations is apparent in the present case. TT&B is definitely in a bind here. It cannot move household goods without a safety rating, and it cannot obtain a safety rating without moving household goods. It cannot begin operation of its business. This is not in the public interest. Accordingly, we waive the provisions of 26 S.C. Code Ann. Regs. 103-133(1)(a); (4)(a); (5) and 103-150(1)(4); (2)(a);(3)(a)(Supp. 2002) in this case. However, we do hold that before commencing business, TT&B shall submit a signed and notarized safety certification form of the type that we presently accept for household goods carriers headquartered outside the State of South Carolina. If TT&B executes said form and is in compliance with all other Commission rules and regulations, then the Class E Certificate of Public Convenience and Necessity granted by Order No. 2002-748 may be issued. We believe that this procedure will ensure the safety of the public in this case, while allowing TT&B to begin doing business as a household goods mover within the State of South Carolina.

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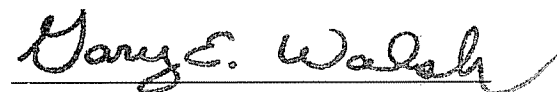
This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn
Chairman

ATTEST:



Gary E. Walsh
Executive Director

(SEAL)